

STATE OF NEW YORK

474--B

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, the education law, the tax law, the vehicle and traffic law, the judiciary law and the executive law, in relation to requiring certain state forms and applications to include space for registering in the "donate life registry" for organ, eye and tissue donations; and to repeal certain provisions of the public health law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 5 of section 4310 of the
2 public health law, as separately amended by chapters 40 and 248 of the
3 laws of 2016, is amended to read as follows:
4 (a) Such organ, eye and tissue registration of consent to make an
5 anatomical gift can be made through: (i) indication made on the applica-
6 tion or renewal form of a driver's license, (ii) indication made on a
7 non-driver identification card application or renewal form, (iii) indi-
8 cation made on a voter registration form pursuant to subdivision five of
9 section 5-210 of the election law, (iv) indication made on the applica-
10 tion for health care coverage offered through the state health benefit
11 exchange, (v) enrollment through the donate life registry website, (vi)
12 paper enrollment submitted to the donate life registry, [~~ex~~] (vii) indi-
13 cation made on application for a certificate, license or registration
14 issued pursuant to article sixty-one of the education law, (viii) indi-
15 cation made on an application to practice a profession pursuant to title
16 eight of the education law, (ix) indication made on a personal income
17 tax return, (x) indication made on an application for registration or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 renewal thereof of a motor vehicle, (xi) indication made on an applica-
2 tion for admission to practice or on a biennial registration form pursu-
3 ant to section four hundred sixty-four or four hundred sixty-eight-a of
4 the judiciary law, (xii) indication made on an application to conduct a
5 profession or occupation which is licensed or registered by the depart-
6 ment of state, or (xiii) through any other method identified by the
7 commissioner. The department shall establish a means by which to regis-
8 ter the consent given by individuals who are sixteen or seventeen years
9 of age in the donate life registry, and shall make registration avail-
10 able by any of the methods provided in subparagraphs (i), (ii), (iii),
11 (iv), (v) ~~and~~, (vi), (vii), (viii), (ix), (x), (xi), (xii) and (xiii)
12 of this paragraph.

13 § 2. Paragraph (a) of subdivision 5 of section 4310 of the public
14 health law, as amended by section 27 of part A of chapter 60 of the laws
15 of 2014, is amended to read as follows:

16 (a) Such organ, eye and tissue registration of consent to make an
17 anatomical gift can be made through: (i) indication made on the applica-
18 tion or renewal form of a driver's license, (ii) indication made on a
19 non-driver identification card application or renewal form, (iii) indi-
20 cation made on a voter registration form pursuant to subdivision five of
21 section 5-210 of the election law, (iv) enrollment through the donate
22 life registry website, (v) paper enrollment submitted to the donate life
23 registry, ~~[and]~~ (vi) indication made on application for a certificate,
24 license or registration issued pursuant to article sixty-one of the
25 education law, (vii) indication made on an application to practice a
26 profession pursuant to title eight of the education law, (viii) indi-
27 cation made on a personal income tax return, (ix) indication made on an
28 application for registration or renewal thereof of a motor vehicle, (x)
29 indication made on an application for admission to practice or on a
30 biennial registration form pursuant to section four hundred sixty-four
31 or four hundred sixty-eight-a of the judiciary law, (xi) indication made
32 on an application to conduct a profession or occupation which is
33 licensed or registered by the department of state or (xii) through any
34 other method identified by the commissioner.

35 § 2-a. Paragraphs (b) and (c) of subdivision 5 of section 4310 of the
36 public health law are REPEALED and a new paragraph (b) is added to read
37 as follows:

38 (b) Enrollment or amendment or revocation through the donate life
39 registry website through any of the means listed in this subdivision may
40 be signed by electronic signature, in accordance with the provisions of
41 article three of the state technology law, supported by the use of suit-
42 able mechanisms including unique identifiers to provide confidence in
43 the identity of the person providing the electronic signature. The
44 registration shall take effect upon the provision of written or elec-
45 tronic notice of the registration to the individual enrolling in the
46 donate life registry.

47 § 2-b. Paragraphs (d), (e) and (f) of subdivision 5 of section 4310 of
48 the public health law are relettered paragraphs (c), (d) and (e).

49 § 3. Subdivision 1 of section 206 of the public health law is amended
50 by adding six new paragraphs (w), (x), (y), (z), (aa) and (bb) to read
51 as follows:

52 (w) require, in consultation and cooperation with the commissioner of
53 education, that every individual applying for a certificate, license or
54 registration issued pursuant to article sixty-one of the education law,
55 be provided space so that such applicant may register in the "donate
56 life registry" for organ, eye and tissue donations under section forty-

1 three hundred ten of this chapter with the following stated in clear
2 conspicuous type: "Would you like to be added to the Donate Life Regis-
3 try? Check box for 'yes' or 'skip this question'". The commissioner
4 shall not maintain records of any person who checks "skip this ques-
5 tion". Except where the application is made in person or electronically,
6 failure to check a box shall not impair the validity of an application,
7 and failure to check "yes" or checking "skip this question" shall not be
8 construed to imply a wish not to donate. In the case of an applicant
9 under sixteen years of age, checking "yes" shall not constitute consent
10 to make an anatomical gift or registration in the donate life registry.
11 Where an applicant has previously consented to make an anatomical gift
12 or registered in the donate life registry, checking "skip this question"
13 or failing to check a box shall not impair that consent or registration.

14 (x) require, in consultation and cooperation with the commissioner of
15 education, that every individual applying to practice a profession
16 pursuant to title eight of the education law, be provided space so that
17 such applicant may register in the "donate life registry" for organ, eye
18 and tissue donations under section forty-three hundred ten of this chap-
19 ter with the following stated in clear conspicuous type: "Would you like
20 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
21 this question'". The commissioner shall not maintain records of any
22 person who checks "skip this question". Except where the application is
23 made in person or electronically, failure to check a box shall not
24 impair the validity of an application, and failure to check "yes" or
25 checking "skip this question" shall not be construed to imply a wish not
26 to donate. In the case of an applicant under sixteen years of age,
27 checking "yes" shall not constitute consent to make an anatomical gift
28 or registration in the donate life registry. Where an applicant has
29 previously consented to make an anatomical gift or registered in the
30 donate life registry, checking "skip this question" or failing to check
31 a box shall not impair that consent or registration.

32 (y) require, in consultation and cooperation with the department of
33 taxation and finance, that every individual filing a personal income tax
34 return be provided space so that such applicant may register in the
35 "donate life registry" for organ, eye and tissue donations under section
36 forty-three hundred ten of this chapter with the following stated in
37 clear conspicuous type: "Would you like to be added to the Donate Life
38 Registry? Check box for 'yes' or 'skip this question'". The commissioner
39 shall not maintain records of any person who checks "skip this ques-
40 tion". Except where the application is made in person or electronically,
41 failure to check a box shall not impair the validity of an application,
42 and failure to check "yes" or checking "skip this question" shall not be
43 construed to imply a wish not to donate. In the case of an applicant
44 under sixteen years of age, checking "yes" shall not constitute consent
45 to make an anatomical gift or registration in the donate life registry.
46 Where an applicant has previously consented to make an anatomical gift
47 or registered in the donate life registry, checking "skip this question"
48 or failing to check a box shall not impair that consent or registration.

49 (z) require, in consultation and cooperation with the commissioner of
50 motor vehicles, that every individual applying for a registration or
51 renewal thereof of a motor vehicle be provided space so that such appli-
52 cant may register in the "donate life registry" for organ, eye and
53 tissue donations under section forty-three hundred ten of this chapter
54 with the following stated in clear conspicuous type: "Would you like to
55 be added to the Donate Life Registry? Check box for 'yes' or 'skip this
56 question'". The commissioner shall not maintain records of any person

1 who checks "skip this question". Except where the application is made in
2 person or electronically, failure to check a box shall not impair the
3 validity of an application, and failure to check "yes" or checking "skip
4 this question" shall not be construed to imply a wish not to donate. In
5 the case of an applicant under sixteen years of age, checking "yes"
6 shall not constitute consent to make an anatomical gift or registration
7 in the donate life registry. Where an applicant has previously consented
8 to make an anatomical gift or registered in the donate life registry,
9 checking "skip this question" or failing to check a box shall not impair
10 that consent or registration.

11 (aa) require, in consultation and cooperation with the state board of
12 law examiners, that every individual applying for admission to practice
13 or on a biennial registration form pursuant to section four hundred
14 sixty-four or four hundred sixty-eight-a of the judiciary law, be
15 provided space so that such applicant may register in the "donate life
16 registry" for organ, eye and tissue donations under section forty-three
17 hundred ten of this chapter with the following stated in clear conspicu-
18 ous type: "Would you like to be added to the Donate Life Registry? Check
19 box for 'yes' or 'skip this question'". The commissioner shall not main-
20 tain records of any person who checks "skip this question". Except where
21 the application is made in person or electronically, failure to check a
22 box shall not impair the validity of an application, and failure to
23 check "yes" or checking "skip this question" shall not be construed to
24 imply a wish not to donate. In the case of an applicant under sixteen
25 years of age, checking "yes" shall not constitute consent to make an
26 anatomical gift or registration in the donate life registry. Where an
27 applicant has previously consented to make an anatomical gift or regis-
28 tered in the donate life registry, checking "skip this question" or
29 failing to check a box shall not impair that consent or registration.

30 (bb) require, in consultation and cooperation with the secretary of
31 state, that every individual applying to conduct a profession or occupa-
32 tion which is licensed or registered by the department of state be
33 provided space so that such applicant may register in the "donate life
34 registry" for organ, eye and tissue donations under section forty-three
35 hundred ten of this chapter with the following stated in clear conspicu-
36 ous type: "Would you like to be added to the Donate Life Registry? Check
37 box for 'yes' or 'skip this question'". The commissioner shall not main-
38 tain records of any person who checks "skip this question". Except where
39 the application is made in person or electronically, failure to check a
40 box shall not impair the validity of an application, and failure to
41 check "yes" or checking "skip this question" shall not be construed to
42 imply a wish not to donate. In the case of an applicant under sixteen
43 years of age, checking "yes" shall not constitute consent to make an
44 anatomical gift or registration in the donate life registry. Where an
45 applicant has previously consented to make an anatomical gift or regis-
46 tered in the donate life registry, checking "skip this question" or
47 failing to check a box shall not impair that consent or registration.

48 § 4. Section 3006 of the education law is amended by adding a new
49 subdivision 4 to read as follows:

50 4. Organ, eye and tissue donation. The commissioner shall provide on
51 each application for a certificate, license or registration issued
52 pursuant to this article, and each renewal thereof, space for the appli-
53 cant to register in the "donate life registry" for organ, eye and tissue
54 donations established pursuant to section forty-three hundred ten of the
55 public health law with the following stated on the application in clear
56 and conspicuous type: "Would you like to be added to the Donate Life

Registry? Check box for 'yes' or 'skip this question'". The regents shall not maintain records of any person who checks "skip this question". Failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 5. Section 6501 of the education law is amended by adding a new subdivision 3 to read as follows:

3. The regents shall provide, on each application to practice a profession pursuant to this title and each application for renewal of a license, registration or certification to practice such a profession, space for the applicant to register in the "donate life registry" of organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The regents shall not maintain records of any person who checks "skip this question". Failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Provided, that where an applicant has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 6. Section 651 of the tax law is amended by adding a new subsection (a-1) to read as follows:

(a-1) Organ, eye and tissue donation. The commissioner shall provide on each return space for the taxpayer or taxpayers to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The commissioner shall not maintain records of any person who checks "skip this question". Failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under sixteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Provided, that where a taxpayer has previously consented to make an anatomical gift or registered in the "donate life registry", failing to check a box shall not impair such consent or registration.

§ 7. Paragraph b of subdivision 1 of section 401 of the vehicle and traffic law is amended by adding a new closing paragraph to read as follows:

The commissioner shall provide on each application for registration and renewal thereof space for the motor vehicle owner to register in the "donate life registry" for organ, eye and tissue donations established pursuant to section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'". The commissioner shall not maintain records of any person who checks "skip this question". Failure to check

1 "yes" or checking "skip this question" shall not be construed to imply a
2 wish not to donate. In the case of an applicant under sixteen years of
3 age, checking "yes" shall not constitute consent to make an anatomical
4 gift or registration in the donate life registry. Provided, that where a
5 motor vehicle owner has previously consented to make an anatomical gift
6 or registered in the "donate life registry", failing to check a box
7 shall not impair such consent or registration.

8 § 8. Section 464 of the judiciary law is amended by adding a new clos-
9 ing paragraph to read as follows:

10 The chief administrator of the courts shall provide on each applica-
11 tion for admission to practice, space for the applicant to register in
12 the "donate life registry" for organ, eye and tissue donations estab-
13 lished pursuant to section forty-three hundred ten of the public health
14 law with the following stated on the application in clear and conspicu-
15 ous type: "Would you like to be added to the Donate Life Registry? Check
16 box for 'yes' or 'skip this question'". The chief administrator of the
17 courts shall not maintain records of any person who checks "skip this
18 question". Failure to check "yes" or checking "skip this question"
19 shall not be construed to imply a wish not to donate. In the case of an
20 applicant under sixteen years of age, checking "yes" shall not consti-
21 tute consent to make an anatomical gift or registration in the donate
22 life registry. Provided, that where an applicant has previously
23 consented to make an anatomical gift or registered in the "donate life
24 registry", failing to check a box shall not impair such consent or
25 registration.

26 § 9. Section 468-a of the judiciary law is amended by adding a new
27 subdivision 4-a to read as follows:

28 4-a. The chief administrator shall provide on each biennial registra-
29 tion form space for the attorney to register in the "donate life regis-
30 try" for organ, eye and tissue donations established pursuant to section
31 forty-three hundred ten of the public health law with the following
32 stated on the application in clear and conspicuous type: "Would you like
33 to be added to the Donate Life Registry? Check box for 'yes' or 'skip
34 this question'". The chief administrator shall not maintain records of
35 any person who checks "skip this question". Failure to check "yes" or
36 checking "skip this question" shall not be construed to imply a wish not
37 to donate. In the case of an applicant under sixteen years of age,
38 checking "yes" shall not constitute consent to make an anatomical gift
39 or registration in the donate life registry. Provided, that where an
40 attorney has previously consented to make an anatomical gift or regis-
41 tered in the "donate life registry", failing to check a box shall not
42 impair such consent or registration.

43 § 10. The executive law is amended by adding a new section 91-a to
44 read as follows:

45 § 91-a. Organ, eye and tissue donation. The secretary shall provide
46 on each application to conduct a profession or occupation which is
47 licensed or registered by the department, and each renewal thereof,
48 space for the applicant to register in the "donate life registry" for
49 organ, eye and tissue donations established pursuant to section forty-
50 three hundred ten of the public health law with the following stated on
51 the application in clear and conspicuous type: "Would you like to be
52 added to the Donate Life Registry? Check box for 'yes' or 'skip this
53 question'". The secretary shall not maintain records of any person who
54 checks "skip this question". Failure to check "yes" or checking "skip
55 this question" shall not be construed to imply a wish not to donate. In
56 the case of an applicant under sixteen years of age, checking "yes"

1 shall not constitute consent to make an anatomical gift or registration
2 in the donate life registry. Provided, that where an applicant has
3 previously consented to make an anatomical gift or registered in the
4 "donate life registry", failing to check a box shall not impair such
5 consent or registration.

6 § 11. This act shall take effect on the first of January next succeed-
7 ing the date on which it shall have become a law, provided that the
8 amendments to subdivision 5 of section 4310 of the public health law,
9 made by section one of this act, shall not affect the expiration and
10 reversion of such subdivision pursuant to section 6 of chapter 465 of
11 the laws of 2012, as amended, when upon such date section two of this
12 act shall take effect; provided further, sections two-a and two-b of
13 this act shall take effect on the same date as the amendments to subdi-
14 vision 2 of section 4310 of the public health law, made by chapter 465
15 of the laws of 2012, as amended, expire and are deemed repealed;
16 provided, further, that effective immediately, the addition, amendment
17 and/or repeal of any rule or regulation necessary for the implementation
18 of this act on its effective date are authorized and directed to be made
19 and completed on or before such effective date.